

MACOMB TOWNSHIP ZONING BOARD OF APPEALS
MINUTES OF A REGULAR MEETING HELD ON
NOVEMBER 14, 2006

LOCATION: MACOMB TOWNSHIP MEETING CHAMBERS
54111 BROUGHTON ROAD, MACOMB, MI 48042

PRESENT: CHAIRMAN, BRIAN FLORENCE
MEMBERS: EDWARD GALLAGHER
VICTORIA SELVA (arrived 7:12 P.M.)
DAWN SLOSSON

ABSENT: NUNZIO PROVENZANO

ALSO PRESENT: COLLEEN O'CONNOR, TOWNSHIP ATTORNEY
JACK DAILEY, PLANNING CONSULTANT
(Additional attendance record on file with Clerk)

Call Meeting to Order.

Chairman FLORENCE called the meeting to order at 7:00 P.M.

1. Roll Call.

Secretary SLOSSON called the Roll Call. Members PROVENZANO absent and SELVA arrived at 7:12 p.m.

2. PLEDGE OF ALLEGIANCE.

3. Approval of Agenda Items. *(with any corrections)*
Note: All fees have been received and all property owners were notified by mail

MOTION by GALLAGHER seconded by SLOSSON to approve the agenda as presented.

MOTION carried.

Chairman FLORENCE stated the Board currently has three of the five members present and a unanimous vote would be needed in order for the request to be approved. He then asked if any of the petitioner's wanted a tabling in order to have a full Board present.

All petitioners were in favor of proceeding forward.

MACOMB TOWNSHIP ZONING BOARD OF APPEALS
MINUTES OF A REGULAR MEETING HELD ON
NOVEMBER 14, 2006

4. Approval of the previous meeting minutes:

MOTION by GALLAGHER seconded by SLOSSON to approve the meeting minutes of October 24, 2006 as presented.

MOTION carried.

PURPOSE OF HEARING:

To consider the requests for variance(s) of Zoning Ordinance No. 10 for the following:
Agenda Number/Petitioner/ Permanent Parcel No. Zoning Ordinance Section No.

- | | | |
|-----|--|---|
| (5) | Frank Jonna
Permanent Parcel No. 08-34-300-027 | Section 10.0323(A)(5) |
| (6) | Mark Grabow
Permanent Parcel No. 08-04-400-030 | Section 10.0402 |
| (7) | Nancy and John Frabotta
Permanent Parcel No. 08-14-200-003 | Section 10.0504
10.0402
17.171(d) |
| (8) | Phillips Sign and Lighting
Permanent Parcel No. 08-36-376-003 | Section 10.1805(I)(3)(a) |
5. VARIANCE REQUEST FROM ZONING ORDINANCE;
Section 10.0323A5-Request to allow parking computed at 1 space for each 200 square feet rather than 1 parking space for each 150 square feet.
Located on North side of Hall Road, approx. 680' east of Heydenreich; Section 34;
Frank Jonna, Petitioner. Permanent Parcel No. 08-34-300-027.

Chairman FLORENCE read the findings and recommendations of November 9, 2006. They are as follows:

The petitioner is requesting a variance to compute the parking spaces required for the Target Store to be computed at 1 space per 200 square feet rather than 1 space per 150 square feet.

The Planning Consultant has been reviewing parking standards for all commercial uses with emphasis on shopping centers, specialty centers including major "big box" general merchandise stores and warehouse clubs. It is recognized that parking ratios are crucial to the success of all retail centers especially in suburban areas such as Macomb Township. The ratio of 1 space per 150 sq. ft. of gross leasable area (GLA) has been an acceptable standard for general commercial space. The undersigned is supportive of such a ratio for

MACOMB TOWNSHIP ZONING BOARD OF APPEALS
MINUTES OF A REGULAR MEETING HELD ON
NOVEMBER 14, 2006

general commercial especially for free standing commercial buildings and uses with less than 25,000 sq. ft. of GLA.

The use in question proposes 126,840 sq. ft. of GLA. The adjoining commercial parcel to the west which contains a Home Depot site contains 127,000 sq. ft. GLA including a 25,000 sq. ft. garden center with 400 on-site parking spaces or a net ratio of 1 space per 317 sq. ft. The parking spaces for the Home Depot are available in an unrestricted fashion to the proposed use. Further, the vast majority of the proposed parking spaces are provided within 300 ft. of the front door north of the proposed east/west connector drive. The spaces as provided on the site make for a most efficient allocation of spaces to serve the commercial use and the shopper.

RECOMMENDATION

It is recommended that the Target be allowed to calculate its parking requirements based upon a requirement of 1 space per 225 square feet. The ratio as recommended would be in line with current national standards for buildings of similar size and use that being greater than 100,000 sq. feet of GLA and a single user such as a department store.

The petitioner submitted a letter dated November 13, 2006 in support of the request and was included into the record as follows:

“The applicant respectfully submits this letter in further support of the ZBA application (as amended). The paragraphs below explain why the ZBA should grant the following zoning variance:

A variance from Section 10.0323(A)(5) (parking ratio for “{Retail Stores}”) to allow parking on Parcel Number 08-34-300-027 the “Retail Parcel” consisting of approximately 13.29 acres) to be calculated at the ratio of 1 parking space for each 200 square feet of sales area, rather than 1 parking space for each 150 square feet.

1. Practical Difficulty

As a result of a practical difficulty experienced by this Property, strict enforcement of the parking provisions of the Township Zoning Ordinance would deprive the Applicant of rights enjoyed by owners of other property within the same Zoning District. The practical difficulty in developing the Property with the number of parking spaces required by the Ordinance is caused by the unusual shape, size and configuration of the Property. These unusual conditions are due principally to the presence of the Miller Drain on the east side of the Property. The Drain is part of the 100-year flood plain for the area and was a result of the Michigan Department of Transportation’s design, engineering and reconstruction of M-59. The location, configuration and size of the Miller Drain prevents

MACOMB TOWNSHIP ZONING BOARD OF APPEALS
MINUTES OF A REGULAR MEETING HELD ON
NOVEMBER 14, 2006

the Applicant from using the area of the Drain for any purpose. As can be seen by the exhibits accompanying the Application, the Drain occupies a wide swath of land on the Property's eastern property line. Although the existence of the Drain is a benefit to the health, safety and welfare of the general public, the Drain is located in an area of the Property that would normally be available to the Applicant for parking or other purposes. In light of the practical difficulty caused by this public facility, the Applicant cannot use a significant portion of the Property. Therefore, strict compliance with the parking requirements would unreasonably prevent the Applicant from using the Property for the permitted purpose of constructing and operating a retail store. But for the existence of this practical difficulty, such a development would otherwise be permitted on this and other similar properties within this Zoning District.

2. Conditions and circumstances unique to the Property are not similarly applicable to other properties located within the same Zoning District.

The location of the Miller Drain, together with the size of the Property and its shape, are unique conditions of the Property that do not affect other properties in the C-2 Zoning District. The unique conditions are due not just to the Drain, but also the fact that it angles substantially west into the Property midway through the depth of the Property. This configuration of the Drain prevents the use of a significant portion of the Property. We understand that the path of the Drain was designed so that it would not disturb existing buildings on neighboring property abutting the east side of the Property. As such, the location of the Drain benefits the neighboring property, but occupies a significant portion of the Applicant's Property. This unique circumstance further supports the need for and reasonableness of the granting of a parking variance to allow for the permitted, proposed retail use.

3. Conditions and circumstances unique to the Property were not created by the Applicant or the owner of the Property.

As stated above, the irregular shape and location of the Miller Drain were not created by the Applicant, but rather were created by the reconstruction of M-59 by MDOT. The reconstruction was intended to relieve congestion on roadways and thereby benefit the surrounding community. Neither the Applicant, nor the Property owner nor its predecessor in title created the unique conditions on the Property.

4. The requested variance will not confer special privileges that are denied other properties that are similarly situated and which are located in the same Zoning District.

The requested variance will not confer special privileges on the Applicant. Granting the variance would merely allow the Applicant to develop the Property for the proposed retail use, just as the owners of other similarly situated properties in the C-2 Zoning

MACOMB TOWNSHIP ZONING BOARD OF APPEALS
MINUTES OF A REGULAR MEETING HELD ON
NOVEMBER 14, 2006

District are permitted to do. Indeed, turning down the request would put the Applicant in a substantially worse position than owners of other C-2 property because the Applicant will be unable to fully develop the Property as zoned.

5. Granting the requested variance will not be a detriment to neighboring properties and is consistent with the spirit and purpose of the Zoning Ordinance.

Granting the requested parking variance will in no way be a detriment to surrounding properties. The number of parking spaces proposed by the Applicant is more than sufficient to service the parking needs of the proposed retail use, a Target store. Target's experience with other stores in southeast Michigan and nationally shows that a ratio of 1 parking space per 200 square feet of store display area meets or exceeds Target's parking needs at peak store hours.

Granting the variance also would be consistent with the spirit and purpose of the Ordinance. Absent the variance, the Applicant will not be able to use the Property as proposed, which is a permitted use in the Zoning District."

Rick Rattner, representative, was in attendance, and stated the findings cover the request they are seeking.

Member SELVA arrived at 7:12 P.M.

Public Portion: None.

MOTION by SLOSSON seconded by GALLAGHER to close the public portion.

MOTION carried.

Chairman FLORENCE stated the recommendation was for 1 parking space per 225 GLA and questioned if the petitioner was okay with that recommendation.

Rick Rattner stated they were fine with that.

The following resolution was offered by GALLAGHER and seconded by SLOSSON:

Whereas, it has been satisfactorily presented that special conditions prevail that would cause an unnecessary hardship if the request would be denied, and that conditions exist that are unique to the property and the granting of the request would not confer special privileges for the petitioner that would be denied other similar properties, that the variance request would be consistent with the spirit and intent of the Macomb Township Zoning Ordinance No. 10 under the findings and

MACOMB TOWNSHIP ZONING BOARD OF APPEALS
MINUTES OF A REGULAR MEETING HELD ON
NOVEMBER 14, 2006

facts herein set forth;

Now, therefore, be it resolved, that the action of the Board is to grant the requested variance of Section 10.0323(A)(5)-Request to allow parking computed at 1 space for each 225 square feet of gross leasable area (GLA) rather than 1 parking space for each 150 square feet; Located on North side of Hall Road, approx. 680' east of Heydenreich; Section 34; Frank Jonna, Petitioner. Permanent Parcel No. 08-34-300-027.

MOTION carried.

6. **VARIANCE REQUEST FROM ZONING ORDINANCE;**
Section 10.0402-Request to allow the use of an AG zone for a limousine service.
Located on North side of 25 Mile Road, 1/4 mile west of Broughton Road; Section 4; Mark Grabow, Petitioner. Permanent Parcel No. 08-04-400-030. (Tabled from October 4, 2006)

Colleen O'Connor, Township Attorney, stated the courts now require the Zoning Board of Appeals to consider applications on use variances. This item has been before this body at least three (3) times and has always been tabled at the petitioner's request. Lastly, she recommended to file and receive correspondence and to remove this item from the agenda because there is nothing in the file for the Zoning Board of Appeals to consider on the merits.

MOTION by GALLAGHER seconded by SELVA to file and receive correspondence and to remove from the agenda because there is nothing in the file for the Zoning Board of Appeals to consider on the merits.

MOTION carried.

7. **VARIANCE REQUEST FROM ZONING ORDINANCE;**
Section: 10.0504-Request to allow a parcel to exceed the depth-width ratio from 3:1 (approximately 103':309' to 103':1370')
Section 10.0402. To reduce the minimum acreage to allow 2 horses per 5 acres from 5 acres to 4.85 acres.
Section 17.171(d). The timing to pay delinquent and current taxes.
(This issue is not for review by the Zoning Board of Appeals.)
Located on South side of 24 Mile Road, west of North Avenue, a 103' frontage exists on North Avenue, approximately 1100' south of 24 Mile Road; Section 14; John & Nancy Frabotta, Petitioner. Permanent Parcel No. 08-14-200-003.

Chairman FLORENCE read the findings and recommendations of November 9, 2006. They are as follows:

MACOMB TOWNSHIP ZONING BOARD OF APPEALS
MINUTES OF A REGULAR MEETING HELD ON
NOVEMBER 14, 2006

The petitioner is in the process of splitting the southerly 4.85 acres from a 26.9 acre parent parcel that has frontage on 24 Mile Road and North Avenue. The split area of 4.85 acres is physically separated from the balance of the parent parcel by the North Branch of the Clinton River. A horse barn measuring 30' x 120' exists on the split parcel along with what appears to be a residence.

No indication has been made by the petitioner for the proposed use of the properties should the variances be granted and the split be approved other than to sell to an individual party the split parcel and retain ownership of the balance of the property for future development. The northerly portion of the property is zoned AG and the southerly portion (the split) is zoned R-1-S. There are no plans that have been submitted to the Township indicating proposals for abutting properties.

RECOMMENDATION:

It is recommended that the 3:1 ratio of depth to width be varied to allow the split as proposed by the petitioner. The river provides a natural feature that prevents the ready use of the north portion of the property with the south portion of the property.

It is also recommended that the variance to provide the housing of horses on a parcel .14 acres less than 5 acres be granted with the understanding that no more than 2 horses be permitted on the parcel in accordance with the standards of Section 10.0402(e) of the Macomb Township zoning ordinance.

With respect to the third request of the petitioner that the Board of Appeals act on a variance to section 17.171(d) of the code of ordinances it is our understanding that the Zoning Board of Appeals does not have any jurisdiction in this matter.

The petitioner submitted a letter dated October 17, 2006 in support of the request and was included into the record as follows:

“This is a request for an appeal (or alternatively variance request) arising from the denial by the Township Assessor of a land division request to divide a parent parcel identified as Parcel ID No. 08-14-0200-003 (“Parent Parcel”) containing 25.4138 acres into two separate parcels. The applicant proposed to divide the Parent Parcel into two parcels, Parcel A containing 20.5573 acres and Parcel B containing 4.8565 acres, using the center of the North Branch of the Clinton River (“River”) as the property line between the two Parcels. The attached drawings show that the River runs generally east and west across the entire expanse of the Parent Parcel, naturally bisecting the Parcel precisely where the applicant proposed to divide the Parent Parcel into Parcels A and B. Parcel A is completely undeveloped and zoned AG Agricultural and Parcel B already has an existing house and barn on the property that is zoned R-1-S Residential One Family Suburban. The applicant has a signed purchase agreement to sell Parcel B to a party who is aware

MACOMB TOWNSHIP ZONING BOARD OF APPEALS
MINUTES OF A REGULAR MEETING HELD ON
NOVEMBER 14, 2006

that the Parcel B property cannot be used to raise horses because it contains fewer than 5 acres (absent a variance). The applicant made no representations to the purchaser regarding the purchaser's ability to use of the property for keeping horses, and has been advised by the purchaser that there is no intent to keep or raise horses on proposed Parcel B. The applicant intends to retain ownership of Parcel A for future development.

Based upon the literal terms of the Zoning and Land Division Ordinances, the Assessor denied the requested land division because (a) proposed Parcel B exceed the maximum 3:1 parcel depth to width ratio set by Section 10.0504(A) of the Zoning Ordinance, (b) Parcel B which formally contained horses did not have the minimum 5 acre size needed for raising horses set by Section 10.0402(E) of the Zoning Ordinance, and (c) there were unpaid taxes (which must be paid under Section 17,171(d) of the Land Division Ordinance. For the reasons set forth below, the applicant believes that an appeal/variance should be approved with respect to the Assessor's first reason for denial, that the second basis for denial is unsupported in this factual situation where Parcel B is not currently being use (nor is it intended to be used) to keep horses, and that the third reason for denial will be eliminated when the applicant pays the taxes on the Parent Parcel, which will be done before the hearing date.

Parcel A is proposed to contain all of the vacant property located north of the center line of the River, and Parcel B all of the already developed residential home site south of the center line of the River. Parcel B already contains a residence and barn which are used completely independently of the undeveloped land contained on Parcel A north of the River. There is no need to develop Parcels and B as an integrated site since Parcel B is already developed. In addition, the only way to utilize the two parts of the Parent Parcel for possible development as one integrated development would be to build a bridge, which is impractical, cost prohibitive, and completely pointless in this situation. The future development of Parcel A will be done independent of the existing developed home site on Parcel B.

The location of the River on the Parent Parcel creates a practical difficulty and a hardship with respect to developing the Parent Parcel as one parcel. Furthermore, development of the Parent Parcel as one integrated site is completely unnecessary given the fact that the land south of the River is already developed. The current split zoning of the Parent Parcel recognized this existing land development pattern, as the land south of the River that contains the existing home that is zoned R-1-S One Family Residential – Suburban, and the vacant land north of the River is zoned separately as AG Agricultural. The existing developed land use on the Parcel B part of the Parent Parcel has already essentially created this separate sliver parcel with a depth and width that exceed the 3:1 parcel depth/width ratio. The R-1-S developed part of the Parent Parcel is essentially already handled as a separate parcel so far as use and zoning. Approving the appeal/variance will enable the parcels on the land records to be consistent with the already established zoning and development on the respective parcels. This is also

MACOMB TOWNSHIP ZONING BOARD OF APPEALS
MINUTES OF A REGULAR MEETING HELD ON
NOVEMBER 14, 2006

beneficial to the Township from a planning perspective, as generally speaking, it is not advisable that parcels have split zoning. This is especially true where the established development pattern and zoning make development of the entire parcel as one integrated site very unlikely.

Strict enforcement of the 3:1 parcel depth /width ratio would cause practical difficulty as it relates to the reasonable marketability of the house and barn on Parcel B. Given the existing development already on Parcel B and the location of the River, the Parent Parcel will not be developed as one integrated site. These conditions are not generally found on land within the Township, as there are few parcels which have a natural barrier as substantial as the River traversing the entire depth of the parcel, leaving a very narrow parcel. This continued denial prevents the applicant from selling this independent already developed home site to a willing purchaser even though the development of Parcels A and B as an integrated site is unlikely and impractical.

The River's location on the Parent Parcel creates a practical difficulty and/or hardship relating to the development of the land that is unique to the property and not self-created. This situation is not generally applicable to other properties similarly zoned. The granting of the appeal/variance relating to the parcel depth/width ratio in this particular situation will not result in special privileges that are not available to others in the same zoning district.

With respect to the Assessor's determination that the land division must be denied because horses were raised on that part of the Parent Parcel in the past, the applicant believes that this determination is unsupported in this case, where Parcel B does not currently contain any horses, the prospective purchaser of Parcel B has been advised that the parcel does not contain the minimum 5 acres required to raise horses, and has indicated that there is no intention to raise horses there. The determination would be proper if the applicant was currently raising horses in that area and indicated that he wished to continue such use on Parcel B, even though it will not contain the minimum 5 acres. If the Board believes that the Assessor's decision was appropriate and necessary in this factual situation, the applicant requests a variance to the requirement, as the River establishes a logical property line between the two parcels, the deficiency in acreage is minimal (.1435 acres), and the existence of the barn does not mean that horses will be raised there. The reasons for approving a variance to the minimum parcel size to allow horses to be kept on this 4.8565 acre part parallel those set forth above for the minimum parcel depth/width ratio variance.

Finally, the denial based upon the fact that the taxes are unpaid will be cured by the applicant paying the taxes prior to the hearing of this appeal. For all the reasons set forth above, the Board should grant the appeal or alternatively approve the variances necessary to allow the land division as proposed"

MACOMB TOWNSHIP ZONING BOARD OF APPEALS
MINUTES OF A REGULAR MEETING HELD ON
NOVEMBER 14, 2006

Larry Scott, representative, was in attendance, and stated the findings accurately set out what the petitioner is trying to achieve and that he concurs with the recommendation.

Public Portion:

Robert Roehl, 54285 North Avenue, asked if the smaller parcel was in question. He asked if there would be horses kept on the property and if so what would happen with the droppings from the horses.

Larry Scott, presented a survey drawing to those neighbors in attendance to clarify the property in question.

Chairman FLORENCE stated he does not have an answer for that and there should be an ordinance for that.

Mark Ales, 52655 North Avenue, questioned if there was already a law that permits one horse per 5 acres.

Chairman FLORENCE read from the Zoning Ordinance that section that pertains to the acreage needed to keep horses.

Doris Duda, 52521 North Avenue, stated the party was partial floodplain and that manure from the previous horse owners became a nuisance and would have to haul away from the site. The existing fence is dilapidated and has been erected on the property line because there was a very small parcel of land. She believes there is an ordinance that states the fence must be so many feet from the property line that houses the horses.

Lois Thumb, 48 Market Street, stated he represents the future property owner. He stated the primary interest in the property was to tie it to the property he owns on 24 Mile Road to have access to North Avenue.

Rusty Ellison, 52711 North Avenue, stated his concern with the overall property value to him and the surrounding neighbors and that it may devalue the property.

Robert Roehl, 54285 North Avenue, asked if anyone was going to live there.

Lois Thumb, representative for future property owner, reviewed the possibilities that his client may do with the property.

Chairman FLORENCE stated the Zoning Ordinance lists the uses that are permitted within the specific zoning classification and a site plan would have to be submitted, reviewed by the necessary department and receive approval from the Planning Commission at a public hearing.

MACOMB TOWNSHIP ZONING BOARD OF APPEALS
MINUTES OF A REGULAR MEETING HELD ON
NOVEMBER 14, 2006

A resident questioned if the property in question was sold.

Lois Thumb stated there was a signed contract.

MOTION by SLOSSON seconded by GALLAGHER to close the public portion.

MOTION carried.

The following resolution was offered by SELVA and seconded by SLOSSON:

Whereas, it has been satisfactorily presented that special conditions prevail that would cause an unnecessary hardship if the request would be denied, and that conditions exist that are unique to the property and the granting of the request would not confer special privileges for the petitioner that would be denied other similar properties, that the variance request would be consistent with the spirit and intent of the Macomb Township Zoning Ordinance No. 10 under the findings and facts herein set forth;

Now, therefore, be it resolved, that the action of the Board is to grant the requested variance of Section 10.0504-Request to allow a parcel to exceed the depth-width ratio from 3:1 (approximately 103':309' to 103':1370'; Located on South side of 24 Mile Road, west of North Avenue, a 103' frontage exists on North Avenue, approximately 1100' south of 24 Mile Road; Section 14; John & Nancy Frabotta, Petitioner. Permanent Parcel No. 08-14-200-003. The variance was granted since the river provides a natural barrier that prevents the ready use of the north portion of the property with the south portion of the property.

MOTION carried.

The following resolution was offered by GALLAGHER and seconded by SLOSSON:

Whereas, it has been satisfactorily presented that special conditions prevail that would cause an unnecessary hardship if the request would be denied, and that conditions exist that are unique to the property and the granting of the request would not confer special privileges for the petitioner that would be denied other similar properties, that the variance request would be consistent with the spirit and intent of the Macomb Township Zoning Ordinance No. 10 under the findings and facts herein set forth;

Now, therefore, be it resolved, that the action of the Board is to grant the requested variance of Section 10.0402. To reduce the minimum acreage to allow 2 horses per 5 acres from 5 acres to 4.85 acres. Located on South side of 24 Mile Road, west of North Avenue, a 103' frontage exists on North Avenue, approximately 1100' south of 24 Mile Road; Section 14; John & Nancy Frabotta, Petitioner. Permanent Parcel No. 08-14-

MACOMB TOWNSHIP ZONING BOARD OF APPEALS
MINUTES OF A REGULAR MEETING HELD ON
NOVEMBER 14, 2006

200-003. The variance was granted since the river in the natural boundary. Further, this variance was to allow 2 horses only, if one were to foal, the other horse would have to be boarded out.

MOTION carried.

Member SELVA-opposed.

8. VARIANCE FROM THE PROVISION OF THE ZONING ORDINANCE;
Section 10.1805(I)(3)(a)-Request to increase the height of a ground sign from 5' to 15'.
Located on North side of Hall Road, immediately west of GTWRR; Section 36;
Phillips Sign and Lighting Inc., Petitioner. Permanent Parcel No. 08-36-376-003.

Chairman FLORENCE read the findings and recommendation of November 9, 2006. They are as follows:

The petitioner is requesting permission to install a pylon sign of 15' in height. The pylon will carry a sign of 26' square feet (2' 10" x 9' 2") and be 11' 1.5" above grade.

The property is zoned C-4 and contains a Volvo dealership. The zoning ordinance provides for 5' high signs for land zoned C-4.

RECOMMENDATION:

It is recommended that the variance request be denied for the following reasons.

1. Compliance with the strict letter of the sign height requirement would not unreasonably prevent the ownership from using the property as zoned. Other commercial structures planned in Macomb Township will be required to comply with the same sign height requirements which are evidence that the proper sign height would not be unnecessarily burdensome.
2. The granting of a variance as requested would give to the applicant an advantage or benefit not received by any other property owners in commercial developments in Macomb Township. The other owners are or will be required to comply with the sign height requirement. As a result the other property owners do not have the opportunity to make use of sign height.

There is nothing unusual about the parcel in question that sets it apart from other similarly zoned parcels in area or in Macomb Township. There is nothing to prevent visibility of the sign from Hall Road. For example, there are no significant grade differences or natural feature such as a stream or wetland to prevent full use of the parcel according to the ordinance as written.

MACOMB TOWNSHIP ZONING BOARD OF APPEALS
MINUTES OF A REGULAR MEETING HELD ON
NOVEMBER 14, 2006

The variance would amount to increasing the sign height by approximately 300% from 5' to 15'.

Greg Morgan, representative, was in attendance, and stated the automotive industry is very competitive and that they need to be visible with the surrounding competitors. Lastly, the request for a 15' high sign would provide the safety to everyone traveling on Hall Road.

Bill Chope, owner, stated they had waited to apply for their ground sign to see what the Nissan dealership would receive, which was a 15' high ground sign.

Jack Dailey, Planning Consultant, stated that the Nissan dealership was a Consent Judgment and the zoning classification was C-3 and that Crest/Volvo was a C-4 zone.

Member GALLAGHER stated that Russ Milne which is in a C-4 zone has a 25' high ground sign and questioned the difference.

Jack Dailey, Planning Consultant, stated he did not have the immediate answer for that but would research the matter.

Public Portion: None.

MOTION by SELVA seconded by SLOSSON to close the public portion.

MOTION carried.

MOTION by GALLAGHER seconded by SELVA to table the variance request of Section 10.1805(I)(3)(a)-Request to increase the height of a ground sign from 5' to 15'; Located on the north side of Hall Road, immediately west of the GTWRR; Section 36; Phillips Sign and Lighting Inc., Petitioner. Permanent Parcel No. 08-36-376-003. This variance has been tabled to January 9, 2007 in order to research the Russ Milne ground sign.

MOTION carried.

9. OLD BUSINESS

Robert Kirk, representative, was in attendance and stated the seller of the property in question was requesting to have a landscape berm of a height no less than 9' in height.

MACOMB TOWNSHIP ZONING BOARD OF APPEALS
MINUTES OF A REGULAR MEETING HELD ON
NOVEMBER 14, 2006

Member SELVA stated the residents that had attended the public hearing had concerns with the proposed height undulating from 6' to 8' in height would not provide enough screening. She thought the request would now provide the screening desired by the abutting residents.

Public Portion: None.

MOTION by SLOSSON seconded by SELVA to close the public portion.

MOTION carried.

The following resolution was offered by SELVA and seconded by SLOSSON:

Whereas, it has been satisfactorily presented that special conditions prevail that would cause an unnecessary hardship if the request would be denied, and that conditions exist that are unique to the property and the granting of the request would not confer special privileges for the petitioner that would be denied other similar properties, that the variance request would be consistent with the spirit and intent of the Macomb Township Zoning Ordinance No. 10 under the findings and facts herein set forth;

Now, therefore, be it resolved, that the action of the Board is to grant the requested variance of Section 10.1706(E)-Request to clarify the previous motion of October 4, 2006, which, would allow a landscape berm to be developed with undulations to provide for top of berm variations between six and eight feet to now be developed at a height of strictly eight feet.

Member GALLAGHER asked if they were prepared to keep the landscaping alive. When the landscaping is up in the air it is much harder to keep moisture in the soil.

Doug Brinker, representative from At-Well Hicks, stated that berm would be irrigated and maintenance would be covered through the condominium documents.

MOTION carried.

10. NEW BUSINESS

None.

11. PLANNING CONSULTANTS COMMENTS

None.

MACOMB TOWNSHIP ZONING BOARD OF APPEALS
MINUTES OF A REGULAR MEETING HELD ON
NOVEMBER 14, 2006

12. MOTION TO RECEIVE AND FILE ALL CORRESPONDENCE IN
CONNECTION WITH THIS AGENDA.

**MOTION by GALLAGHER seconded by SELVA to receive and file all
correspondence.**

MOTION carried.

ADJOURNMENT

MOTION by SLOSSON seconded by SELVA to adjourn the meeting at 8:10 P.M.

MOTION carried.

Respectfully submitted,

Brian Florence, Chairman

Dawn Slosson, Secretary

Beckie Kavanagh, Recording Secretary

BK